

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2630

By: Babinec of the House

and

6 Thompson of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to prisons and reformatories;
11 amending 57 O.S. 2011, Section 510.9, as last amended
12 by Section 5, Chapter 380, O.S.L. 2017 (57 O.S. Supp.
13 2017, Section 510.9), which relates to the Electronic
14 Monitoring Program; modifying eligibility
15 requirements for Electronic Monitoring Program;
16 updating language; and declaring an emergency.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510.9, as
19 last amended by Section 5, Chapter 380, O.S.L. 2017 (57 O.S. Supp.
20 2017, Section 510.9), is amended to read as follows:

21 Section 510.9 A. There is hereby created the Electronic
22 Monitoring Program for inmates in the custody of the Department of
23 Corrections who are sentenced for a nonviolent offense not included
24 as a violent offense defined in Section 571 of this title. The
Department is authorized to use an electronic monitoring global

1 positioning device to satisfy its custody duties and
2 responsibilities.

3 B. After an inmate has been processed and received through a
4 Department Assessment and Reception Center, has ~~been incarcerated~~
5 ~~for a minimum of ninety (90) days~~ a home offer, and has met the
6 criteria established in subsection C of Section 521 of this title,
7 the Director of the Department of Corrections may assign the inmate,
8 if eligible, to the Electronic Monitoring Program. Nothing shall
9 prohibit the Director from assigning an inmate to the Electronic
10 Monitoring Program while assigned to the accredited halfway house or
11 transitional living facility. The following inmates, youthful
12 offenders, and juveniles shall not be eligible for assignment to the
13 program:

14 1. Any inmate serving a sentence of more than ~~five (5)~~ ten (10)
15 years who has ~~eleven (11)~~ twenty-four (24) months or more left on
16 the sentence or any inmate serving a sentence of five (5) years or
17 less whose initial custody assessment requires placement above the
18 minimum security level;

19 2. Inmates convicted of a violent offense within the previous
20 ten (10) years ~~pursuant to Section 571 of this title~~ or convicted of
21 a violation enumerated in Section 13.1 of Title 21 of the Oklahoma
22 Statutes;

1 3. ~~Inmates convicted of any violation of the provisions of the~~
2 ~~Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63~~
3 ~~of the Oklahoma Statutes;~~

4 4. ~~Inmates denied parole within the previous twelve (12) months~~
5 ~~pursuant to Section 332.7 of this title;~~

6 5. Inmates convicted pursuant to Section 11-902 of Title 47 of
7 the Oklahoma Statutes who are not receptive to substance abuse
8 treatment and follow-up treatment;

9 6. ~~Inmates removed from the Electronic Monitoring Program or~~
10 ~~any other alternative to incarceration authorized by law for~~
11 ~~violation of any rule or condition of the program and reassigned to~~
12 ~~imprisonment in a correctional facility;~~

13 7. 4. Inmates deemed by the Department to be a security risk or
14 threat to the public;

15 8. 5. Inmates requiring educational, medical or other services
16 or programs not available in a community setting as determined by
17 the Department;

18 9. 6. Inmates convicted of any violation of subsection C of
19 Section 644 of Title 21 of the Oklahoma Statutes or who have an
20 active protection order that was issued under the Protection from
21 Domestic Abuse Act;

22 10. 7. Inmates who have outstanding felony warrants or
23 detainers from another jurisdiction;

1 ~~11.~~ 8. Inmates convicted of a sex offense who, upon release
2 from incarceration, would be required by law to register pursuant to
3 the Sex Offender Registration Act;

4 ~~12.~~ 9. Inmates convicted of racketeering activity as defined in
5 Section 1402 of Title 22 of the Oklahoma Statutes;

6 ~~13.~~ 10. Inmates convicted pursuant to subsection F of Section
7 2-401 of Title 63 of the Oklahoma Statutes;

8 ~~14.~~ 11. Inmates convicted pursuant to Section 650 of Title 21
9 of the Oklahoma Statutes;

10 ~~15.~~ 12. Inmates who have escaped from a medium or maximum
11 custody penal or correctional institution within the previous ten
12 (10) years; or

13 ~~16.~~ 13. Inmates who currently have active misconduct actions on
14 file with the Department of Corrections.

15 C. Every eligible inmate assigned to the Electronic Monitoring
16 Program shall remain in such program until one of the following
17 conditions has been met:

18 1. The inmate discharges the term of the sentence;

19 2. The inmate is removed from the Electronic Monitoring Program
20 for violation of any rule or condition of the program and reassigned
21 to imprisonment in a correctional facility; or

22 3. The inmate is paroled by the Governor pursuant to Section
23 332.7 of this title.

1 D. After an inmate has been assigned to the Electronic
2 Monitoring Program, denial of parole pursuant to Section 332.7 of
3 this title, shall not be cause for removal from the program,
4 provided the inmate has not violated the rules or conditions of the
5 program. The inmate may remain assigned to the program, if
6 otherwise eligible, until the completion of the sentence.

7 E. The Electronic Monitoring Program shall require active
8 supervision of the inmate in a community setting by a correctional
9 officer or other employee of the Department of Corrections with
10 monitoring by a global positioning device approved by the Department
11 under such rules and conditions as may be established by the
12 Department. If an inmate violates any rule or condition of the
13 program, the Department may take necessary disciplinary action
14 consistent with the rules established pursuant to this section,
15 including reassignment to a higher level of security or removing the
16 inmate from the program with reassignment to imprisonment in a
17 correctional facility. Any inmate who escapes from the Electronic
18 Monitoring Program shall be subject to the provisions of Section 443
19 of Title 21 of the Oklahoma Statutes.

20 F. Upon an inmate assigned to the Electronic Monitoring Program
21 becoming eligible for parole consideration, pursuant to Section
22 332.7 of this title, the Department of Corrections shall deliver the
23 inmate, in person, to a correctional facility for an interview,
24 together with any Department records necessary for the Pardon and

1 Parole Board's investigation. Inmates assigned to the Electronic
2 Monitoring Program shall not be allowed to waive consideration or
3 recommendation for parole.

4 G. Prior to placement of any eligible inmate assigned to the
5 Electronic Monitoring Program being placed in a community setting,
6 the Department of Corrections shall deliver a written notification
7 to the sheriff and district attorney of the county, and the chief
8 law enforcement officer of any incorporated city or town in which
9 the inmate is to be monitored and supervised under the program. The
10 Department of Corrections shall provide notice of the projected date
11 of release of an inmate to the designated Oklahoma victim
12 notification service provider within sixty (60) days but not less
13 than seven (7) days prior to the projected date of release of the
14 inmate.

15 H. An inmate assigned to the Electronic Monitoring Program may
16 be required to pay the Department of Corrections for all or part of
17 any monitoring equipment or fee, substance abuse treatment program
18 or follow-up treatment expense, supervision cost, or other costs
19 while assigned to the program. The Department shall determine
20 whether the inmate has the ability to pay all or part of such fee or
21 costs.

22 I. The Department of Corrections shall ~~promulgate and adopt~~
23 ~~rules~~ develop policies and procedures necessary to implement the
24 Electronic Monitoring Program, including but not limited to methods

1 of monitoring and supervision, disciplinary action, reassignment to
2 higher and lower security levels, removal from the program, and
3 costs of monitoring and supervision to be paid by the inmate, if
4 any.

5 J. An inmate assigned to the Electronic Monitoring Program
6 shall, within thirty (30) days of being placed in a community
7 setting, report to the court clerk and the district attorney of the
8 county from which the judgment and sentence resulting in
9 incarceration arose to address payment of any fines, costs,
10 restitution and assessments owed by the inmate, if any.

11 SECTION 2. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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